

U.S. Patent Application Serial No. 10/566,202  
 Response filed February 27, 2009  
 Reply to OA dated October 31, 2008

# **REMARKS**

Claims 1-7 and 9-14 are pending in this application. Claim 1 is amended herein. Upon entry of this amendment, claims 1-7 and 9-14 will be pending. Entry of this amendment and reconsideration of the rejections are respectfully requested. An amendment to the specification is also made.

The amendment to Table 3 on page 70 of the specification replaces the parameter "Heat resistance of Receiving Sheet (dent)" by "--Dents on Receiving Sheet--". This amendment is made for clarity, and support for this amendment may be found on page 60, last paragraph, of the specification.

No new matter has been introduced by this Amendment. Support for the amendments to the claims is discussed below.

**Claims 1-7 and 9-14 are again rejected under 35 U.S.C. §103(a) as being unpatentable over applicants' statement of the prior art for the reasons of record. (Office action paragraph no. 1)**

Reconsideration of the rejection is respectfully requested in view of the clarifying amendment to claim 1 and in view of the evidence presented in the attached Declaration under 37 CFR 1.132.

First of all, claim 1 has been amended, for clarity, to include the limitation: "wherein the ratio of the mass of hollow particles A ( $W_A$ ) and that of hollow particles B ( $W_B$ ) included in said intermediate layer satisfies the following relational formula (4):

$$\underline{W_B/W_A = 0.14 \text{ to } 1} \quad (4)."$$

Support for this recitation may be found in Example 12 of the present specification (see summary in Table 2 on page 62 of substitute specification), in which the value of this ratio is 0.14, and on page 24, line 15, of the substitute specification, which discloses an upper limit value of 1 for this ratio. This limitation on the content of the two hollow particles limits the claim so as not to include cases where the content ratio of particle B is extremely low, such that its particle size distribution could overlap with that of particle A.

The amendment to claim 1 therefore serves to clarify the recitation in the claim of "two kinds of hollow particles A and B differing in their average particle diameters." That is, the two kinds of hollow particles differ in their average particle diameter, and the recited combination of two kinds of hollow particles is clearly distinguished from the case of a single kind of hollow particles.

Applicant here overcomes the rejection under 35 U.S.C. 103(a) by showing that there are "unexpected results" commensurate in scope with the limitations of claim 1, as supported by the evidence in the attached Declaration under 37 CFR 1.132 by Masato Kawamura.

The Declaration compares five inventive Examples (A-E) and five Comparative Examples (1-5). The Comparative Examples differ from the Examples in the use of different solutions for the Intermediate Layer Coating Solutions.

Examples A-E all demonstrate the use of two kinds of hollow particles (hollow particles A and B) meeting the limitations of claim 1 (see Table on page 17 of the Declaration). Comparative Examples 1-4 also show use of two kinds of hollow particles, but not meeting limitations (1)-(3) of claim 1. (Each of Comparative Examples 1, 2 and 3 does not meet one of the limitations on  $L_A$  and  $L_B$  ((1) and (2)). Comparative Examples 2, 3 and 4 do not meet the  $L_B/L_A$  limitation (3)). Comparative Example 5 shows the use of only one kind of hollow particle.

As can be seen in the results in the Table of the Declaration, Examples A-E show satisfactory to excellent values of "image uniformity" and "dents in receiving sheet." The values of "printing density" range from 2.08 to 2.16, which are all acceptable (greater than 2.0). By contrast, Comparative Examples 1, 3, 4 and 5 all show one or both of "image uniformity" and "dents in receiving sheet" at unacceptable values, and Comparative Example 2 shows a "printing density" of 1.91, an unacceptably low value that is considerably lower than the values of Examples A-E. Comparative Example 3 also shows an unacceptably low value of 1.93 for this parameter.

Therefore, acceptable values for all three parameters are seen only with Examples A-E. As Examples A-E differ from Comparative Examples 1-5 in meeting all of limitations (1)-(3) of claim 1, the effect on these parameters is clearly commensurate with these limitations of claim 1. Applicant submits that this effect is **unexpected** over Applicant's statement of the prior art, and over any of the prior art of record in this application.

Claims 1-7 and 9-14 are therefore not obvious over Applicant's statement of the prior art.

If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact the applicants' undersigned agent at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

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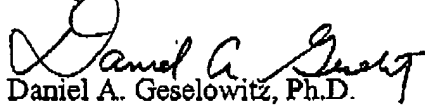
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In the event that this paper is not timely filed, the applicants respectfully petition for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper, to Deposit Account No. 01-2340.

Respectfully submitted,

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Enclosures: RCE Transmittal  
Petition for Extension of Time  
Declaration under 37 CFR §1.132

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